

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TERRY CAREY, et al.,)
)
 Plaintiffs,)
)
 -vs-) Case No. CIV-07-944-F
)
 LAWTON CORRECTIONAL)
 FACILITY, et al.,)
)
 Defendants.)

ORDER

On December 18, 2007, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation (doc. no. 11), wherein she recommended that defendants' motion to dismiss plaintiffs' complaint be granted and that the complaint be dismissed without prejudice pursuant to Rule 12(b)(6), Fed. R. Civ. P., for failure to state a claim upon which relief may be granted. She also recommended that plaintiffs' pendent state law claims of negligence be dismissed without prejudice. In the Report and Recommendation, Magistrate Judge Couch advised plaintiffs of their right to object by January 7, 2008.

On January 9, 2008, the court entered an order (doc. no. 13), construing plaintiffs' Motion for Extension of Time, filed January 7, 2008 (doc. no. 12), as a motion for extension of time to file an objection to the Report and Recommendation, and granting plaintiffs until January 22, 2008, to file an objection to the Report and Recommendation. In the order, the court advised plaintiffs that failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues therein addressed.

To date, plaintiffs have not objected to the Report and Recommendation and have not filed an extension of time to so object. With no objection or request for extension of time being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on December 18, 2007 (doc. no. 11), is **ACCEPTED, ADOPTED, and AFFIRMED.**

IT IS ALSO ORDERED that defendants' Motion to Dismiss, filed October 1, 2007 (doc. no. 8), is **GRANTED.**

IT IS ADDITIONALLY ORDERED that plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 12(b)(6) Fed. R. Civ. P., for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that plaintiffs' pendent state law claims of negligence are also **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED this 24th day of January, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE